

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of Kenosha County for the Repair of the Public Crossings of the Union Pacific Railroad Co. Tracks with CTH 'S' and CTH 'KR' in the Town of Somers, Kenosha County

9040-RX-1184

SUPPLEMENTAL ORDER

On September 2, 2004, the Office of the Commissioner of Railroads (OCR) issued an order that required the repair of the public crossings of the Union Pacific Railroad Co. (UP) tracks with CTH 'S' and CTH 'KR' in the Town of Somers, Kenosha County with concrete panel surfaces by September 30, 2004 (crossing nos. 176 893V / MP 53.85 and 176 883P / MP 58.4).

By letter dated September 28, 2004, the UP filed a request for an extension of time to install concrete panels to June 2005. The UP indicated that it has repaired the CTH 'S' crossing with full timber planks and will be repairing the CTH 'KR' crossing with timber planks in the week of October 4, 2004. These repairs have substantially improved the condition of the CTH 'S' crossing. However, based on the volume of highway traffic both crossings require concrete panel surfaces. The UP states that its supplier of concrete panels changed the chemistry of the rubber flange material on the edge of the concrete panels causing electrical shorts. Consequently, the UP has a shortage of acceptable concrete panels.

The Commissioner finds the request to be reasonable so long as the temporary repairs are completed as stated at the CTH 'KR' crossing.

THEREFORE, IT IS ORDERED,

That the provisions of paragraphs 1 and 2 of the final decision be amended to read:

1. That the **Union Pacific Railroad Co.** shall repair the crossing at-grade of **CTH 'S'** with its tracks by fully renewing the crossing with a **concrete panel crossing** in the Town of Somers, Kenosha County by **June 15, 2005** (crossing no. 176 893V / MP 53.85). The renewed crossing shall extend through the back of the shoulders.

2. That the **Union Pacific Railroad Co.** shall repair the crossing at-grade of **CTH 'KR'** with its tracks by fully renewing the crossing with a **concrete panel crossing** in the Town of Somers, Kenosha County by **June 15, 2005** (crossing no. 176 883P / MP 58.4). The renewed crossing shall extend through the back of the shoulders.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads